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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,223

12/23/2005

Ulrich Berens

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09/26/2008

WRB-IP LLP  
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ALEXANDRIA, VA 22314

EXAMINER

WALDBAUM, SAMUEL A

ART UNIT

PAPER NUMBER

1792

NOTIFICATION DATE

DELIVERY MODE

09/26/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/562,223	<b>Applicant(s)</b> BERENS, ULRICH	
	<b>Examiner</b> SAMUEL A. WALDBAUM	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 7 is objected to because of the following informalities: Since claim 7 is dependent on claim 6, claim 7 must state chamber or overflow, and not just "...overflow". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 5-9, 12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over HAKANSSON (International Publication Number WO 92/16314, hereafter '314), in view of Ripley (U.S. Patent 6,383,371, hereafter '371), and further in view of Caroli (U.S. Patent 6,228,180, hereafter '180).**

3. Claim 1: '314 teaches a device (Fig. 1) for purification of machine parts contaminated by oil and grease [Title; Abstract; Figs. 1-2; page 5, lines 21-24], comprising:

a purification housing (1) which can be locked with a lid (2 is a lid that opens and closes so as to seal the washing chamber. For a lid to stay closed and seal a machine that has movable parts, the lid has to be obviously locked), in which a support member (1 and 3 provide a system to hold objects) for receiving the a fluid provided in the housing acts upon the parts to be purified which are provided on the support (the nozzle system sprays liquid in 1 upon the parts) and a bioreactor (14) for treating the purifying fluid (14 treats the composition of the purifying liquid),

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where the purifying fluid is provided in a closed circuit via a discharge line (10, 17 and 18) and a supply line (15) between the purification housing and the bioreactor [Abstract; page 5, line 21 – page 6, line 24; page 7, lines 1-25],

a valve (18 is located between the blowing system and the purification housing), which valve is opened for the purifying fluid only at the temperature level of the bioreactor [Fig. 1; page 9, lines 1-8].

It does not teach the support member being a basket, a heat exchanger and its location on the discharge line and the valve being located between heat exchanger and the bioreactor. However, '180 teaches a washing machine for washing items having support member in the form of a basket (16) to support items during washing [Title; Abstract; Figs. 1-2; col. 2, lines 7-14]. Therefore, one of ordinary skill in the art at the time the invention was made would have substituted the support member of '314 with the basket of '180 to held items to be washed. '180 does not teach a heat exchanger. However, '371 teaches a wastewater treatment apparatus that uses bacteria to treat contaminants in the wastewater, the apparatus having a conduit discharge and feed system wherein a heat exchanger (83) is located in the discharge line (81-88) which is capable of heating or cooling the fluid passing through the conduits [Title; Abstract; Fig. 1; col. 4, lines 4-11; col. 2, lines 15-29]. Therefore, one of ordinary skill in the art at the time the invention was made would have placed the heat exchanger of '371 in the discharge line of '314 to have treated the condition of the purifying liquid that carries the bacteria from the washing apparatus to the bio reactor. As for the matter of rearranging the valve and heat exchanger along the discharge line, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have rearranged the valve (18 in '314) and the heat exchanger to have

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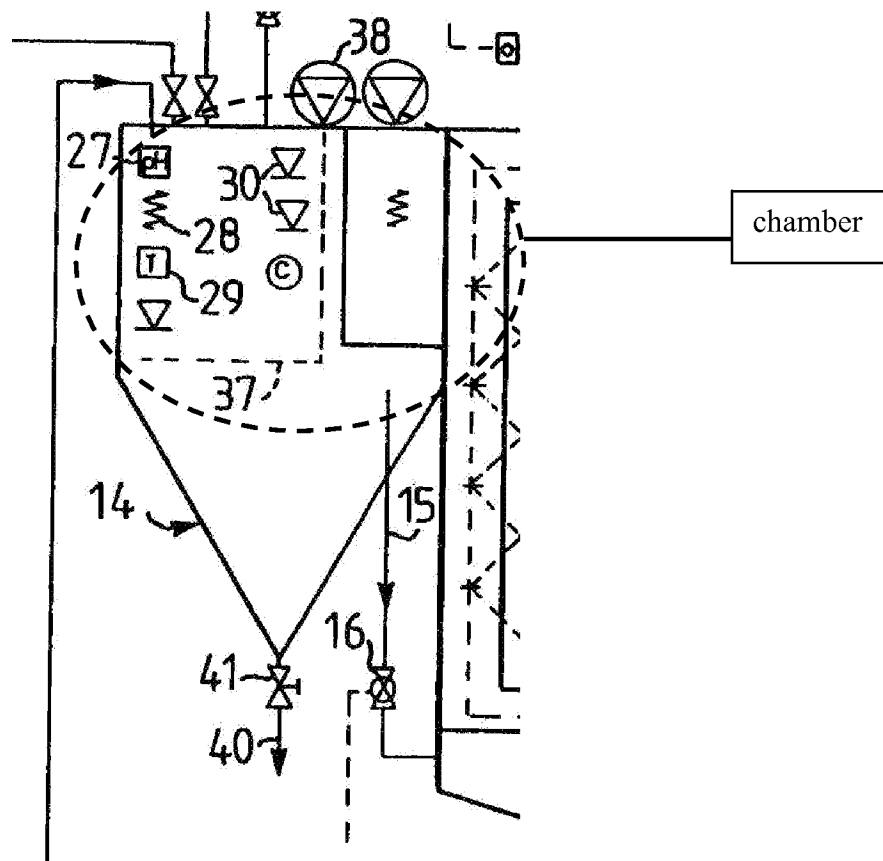
been placed in the matter the limitation is claimed, since it has been held that rearranging parts of an invention involves only routine skill in the art – *In re Japikse*, 86 USPQ 70. This rearrangement would allow the valve to open/close access for the fluid to the bioreactor based on an operator's choice. Additionally, having the valve located after the heat exchanger would give an operator the choice of how long to keep the fluid in the heat exchanger to be cooled or heated before creating a flow path by opening the valve.

4. Claim 2: '314 teaches all the limitations of claim 1 above. It further teaches a pump (11) which circulates the purifying fluid is provided between the valve (18) and the housing (1) [Fig. 1; page 6, lines 5-13]. It does not teach the pump located between the heat exchanger and the valve. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have placed the pump (11) between the heat exchanger and the valve, since it has been that rearranging parts of an invention involves only routine skill in the art – *In re Japikse*, 86 USPQ 70. This rearrangement would allow the pump to provide flow pressure for the fluid to the bioreactor based on an operator's choice. Additionally, having the pump located after the heat exchanger would give an operator the choice of how long to keep the fluid in the heat exchanger to be cooled or heated before creating a flow pressure by activating the pump.

5. Claims 5 and 9: '314 teaches the bioreactor having an air throughput to favor the bacteria [Fig. 1; page 9, lines 1-8].

6. Claim 6: '314 teaches in an upper area of the bioreactor a chamber (see figure below) is located in order to receive the treated purifying liquid [Fig 1 shows supply line 15 directed from the top, i.e. upper chamber, of the bioreactor to device 1].

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7. Claim 7: '314 teaches all the limitations of claim 7 above. It further teaches the chamber is connected to the supply line 15 which is connected to the spray nozzle system (the supply line is connected to the nozzle via 9, 10, 12, 6, and 5, which ejects the liquid through nozzle 8) [Abstract; page 5, line 21 – page 6, line 24; page 7, lines 1-25].

8. Claims 8, 12, 15-17: '314 teaches a control arrangement (13, 16, 18, 21, 23, 36, 46, 51, 29, 43, and 7) controls the heat exchanger, the pump system, the valves, as well as the pump system for supplying air to the bioreactor [the control arrangement are all interconnected one way or another to run the apparatus to perform an operator's desired commands. Fig. 1; page 5, line 30 – page 6, line 38; page 10, lines 17-23].

**Claims 3-4, 10-11, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over '314, '371, and '180 as applied to claim 1 above, in view of Hakansson (European Publication Number 0 309 432 A2, hereafter '432).**

9. Claim 3: '314 teaches all the limitations of claim 1 above. It teaches a bioreactor, having bacteria, attached to washing device operating under a controlled temperature environment [see citations above]. It does not teach the temperature range of the bioreactor being between 35°C to 40°C. However, '432 teaches an apparatus for cleaning objects using bacteria to biodegrade the hydrocarbons, wherein the preferred tank temperature is 35°C to 40°C for maintaining bacteria population [Title; Abstract; page 10, lines 33-46]. Therefore, one of ordinary skill in the art at the time the invention was made would have run the bioreactor of '314 at a temperature range of 35°C to 40° to have maintained the bacteria population.

10. Claim 4: '314 teaches all the limitations of claim 1 above. It teaches a washing device having purifying fluid at a temperature of about 70°C [see citations above. Also, see page 3, line 36 – page 4, line 2]. It does not teach the temperature range being between 50°C to 80°C. However, '432 teaches the apparatus for cleaning objects uses purifying fluid having a temperature of 50°C to 90°C to dissolve and emulsify oil and contaminants [Title; Abstract; page 11, lines 53-56]. Therefore, one of ordinary skill in the art at the time the invention was made would have set the temperature of the purifying fluid of '314 between 50°C to 80°C to have dissolved and emulsified oil and contaminants.

11. Claims 10-11: '314 teaches the bioreactor having an air throughput to favor the bacteria [Fig. 1; page 9, lines 1-8].

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12. Claims 13-14: '314 teaches a control arrangement (13, 16, 18, 21, 23, 36, 46, 51, 29, 43, and 7) controls the heat exchanger, the pump system, the valves, as well as the pump system for supplying air to the bioreactor [the control arrangement are all interconnected one way or another to run the apparatus to perform an operator's desired commands. Fig. 1; page 5, line 30 – page 6, line 38; page 10, lines 17-23].

### ***Response to Arguments***

13. Applicant's arguments filed July 25, 2008 have been fully considered but they are not persuasive.

14. In response to applicant's argument that '371 is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, it is pertinent to the particular problem of cooling down a liquid stream for a system.

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37



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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL A. WALDBAUM whose telephone number is (571)270-1860. The examiner can normally be reached on M-TR 6:20-3:50, F 6:30-10:30 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A. W./  
Examiner, Art Unit 1792

/FRANKIE L. STINSON/  
Primary Examiner, Art Unit 1792